

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DARNELL JAMES,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant,

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Case No. 4:07CV1382 HEA

**MEMORANDUM AND ORDER**

This matter is before the Court on the Report and Recommendation, of Magistrate Judge David D. Noce that the decision of the Commissioner be affirmed. Plaintiff has not filed any objections to the Report and Recommendation within the prescribed time period.

After careful consideration, the Court will adopt and sustain the sound reasoning of Judge Noce as set forth in his August 18, 2008 Report and Recommendation.

Accordingly,

**IT IS HEREBY ORDERED** that the decision of the Commissioner is

affirmed under Sentence 4 of 42 U.S.C. § 405(g).

A separate judgment in accordance with this Order is entered this same date.

Dated this 8th day of September, 2008.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", written over a horizontal line.

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE